

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John R. Frank Confirmation No.: 7574
Application No.: 10/633,915 Art Unit: 2454
Patent No. 7,599,988
Filed: August 4, 2003 Examiner: Wen Tai Lin
Title: DESKTOP CLIENT INTERACTION WITH A GEOGRAPHICAL
TEXT SEARCH SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR
RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R.
§§ 1.702-1.705**

Dear Madam:

The above-referenced granted patent recites a 999 day patent term adjustment. Applicants believe that the application is entitled to more than 999 days of term adjustment, and hereby request reconsideration of the patent term adjustment as follows.

Applicants believe the total patent term adjustment under 37 C.F.R. §§ 1.702-1.704 should be the total of:

(1) 999 days under 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1), as recognized on the granted patent, for the 999 day Patent Office delay in issuing a first office action after October 4, 2004 (14 months from the filing date) until September 4, 2007 (date the first office action was mailed); and

(2) 218 days under 37 C.F.R. §§ 1.702(b) and 1.703(b) for the Patent Office delay in issuing the patent after August 4, 2006 until the filing of the RCE on April 9, 2008.

The periods (1) and (2) are believed not to overlap under 37 C.F.R. § 1.703(f). *See Wyeth v. Dudas*, 88 U.S.P.Q.2d 1538 (D.D.C. 2008). Thus, the total adjustment based on (1) and (2) above would be 1,217 days.

The additional days of patent term adjustment are requested under 37 C.F.R. §§ 1.702(b) and 1.703(b) for the following reason.

37 C.F.R. 1.702(b) states:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a)

The instant application was filed under 35 U.S.C. § 111(a) on August 4, 2003 and therefore should have issued by August 4, 2006.

37 C.F.R. § 1.703 states in pertinent part:

The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) ... and ending on the date a patent was issued

Therefore, the relevant period of delay in issuing the patent began on August 4, 2006 and our calculations show that the application should receive an additional 218 day term adjustment, for a total of 1,217 days.

In accordance with 37 C.F.R. 1.18(e), please charge the \$200.00 fee to our Deposit Account No. 08-0219. The Director is hereby authorized to charge any deficiency in the fees filed, asserted

to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 08-0219, under Order No. 113744.123US2

Respectfully submitted,

Dated: 7 December 2009

/Eric L. Prahl/

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